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69. (New) The computer-implemented method as in Claim 63, further comprising presenting a user an option to interactively control which of (a)-(e) are to be displayed in the graphical map.

70. (New) A graphical map generated according to the method of Claim 63.

### REMARKS

In the Office Action, the Examiner rejected Claims 28-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,813,007 ("Nielsen") in view of U.S. Patent No. 4,752,889 ("Rappaport et al"). Applicants respectfully traverse the rejection.

The Nielsen patent is not prior art under § 102(b), and has a filing date that is less than four months before Applicants' priority date. Applicants will treat Nielsen as prior art for purposes of responding to this Office Action, but reserve the right to later establish that Nielsen is not prior art.

#### I. Summary of the Amendments

By the foregoing amendment, independent Claims 28 and 36 have been amended to clarify that the term "web site," as used in these claims, refers generally to a collection of hypertextual documents that are linked together, and not to a specific hypertextual document or page. See definition of "web site" at page 9, line 1 of the present application. The amendments to Claims 28 and 36 are shown in redline form on the attached page.

Applicants have also added new Claims 53-70 to further define aspects of the invention. Many of these new claims include limitations that further distinguish the invention over Nielsen and Rappaport.

All of the added claims are fully supported by the originally filed application. See, for example, Figure 21; page 51, line 10 to page 52, line 16; and the originally-filed claims. No new matter has been added.

#### II. Discussion of the References

Nielsen discloses a method for automatically notifying a user when a bookmarked web page has changed. Using a web browser, a user can bookmark a web page, and if the server that supplies that web page supports notification subscriptions, can elect to be notified by email when

the web page changes. When a maintainer of the web page modifies the page and indicates that the modification is sufficient for notifying subscribers, the server notifies the relevant subscribers by email. The email notifications are automatically incorporated into the browser's display so that users need not actually read the emails.

Rappaport discloses a system to automatically display different links between elements of knowledge in a knowledge based system. Through a graphical interface, a user can display and maintain functional relationships between the elements of knowledge.

Neither Nielsen nor Rappaport discloses or suggests the generation of a graphical map that shows modifications made to a web site between two points in time. In fact, neither reference appears to even fall within the scope of the present application's "field of the invention," which is "software tools for facilitating the management and analysis of web sites." Nielsen and Rappaport also fail to disclose the claimed method by which web site modifications are identified.

### III. Arguments

For the reasons set forth below, Applicants respectfully submit that the obviousness rejection is improper.

#### A. **The references relied upon by the Examiner do not disclose or suggest every claim limitation.**

In order to establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. See MPEP § 2143.03. In this case, Nielsen and Rappaport fail to satisfy this basic requirement.

For instance, all of the rejected independent claims include limitations related to the generation of a graphical map in which at least some of the modifications made to a web site [between first and second points in time] are highlighted or represented. This feature of the invention is not disclosed or suggested by either Nielsen or Rappaport. In connection with this aspect of the rejected claims, the Examiner cites Figures 3 and 4, and col. 4, lines 18-59, of Rappaport. These portions of Rappaport do not, however, appear to disclose the claimed feature.

Rappaport discloses at column 4, line 43 that a user may "modify the current rule," and at column 4, lines 48-49 that a "user can enter and modify all of the rules from this interface." As

used by Rappaport, the term “modify” references user action to edit text within a rule. These rules are not part of a “web site.” In addition, there is no disclosure in Rappaport to generate a map that highlights or represents the modifications made between two points in time. Rather, the graphical display in Rappaport appears to merely represent elements within a knowledge base at a given point in time.

Examples of additional limitations that are not disclosed or suggested are set forth below on a claim-by-claim basis.

Independent Claim 28

With respect to independent Claim 28, neither Nielsen nor Rappaport discloses or suggests “scanning [a] web site to generate a first data structure which represents the web site at a first point in time,” or “subsequently, after changes have been made to the web site, scanning the web site to generate a second data structure which represents the web site at a second point in time.” In connection with this claim language, the Examiner asserts that Nielsen teaches scanning a web site to generate a data structure which represents the web site at a first point in time. Applicants respectfully disagree. Using a web browser to view or bookmark a single page, as disclosed in Nielsen, does not constitute “scanning a web site to generate a ... data structure which represents the web site.”

Nielsen and Rappaport also fail to disclose or suggest “comparing the first data structure to the second data structure to identify modifications that were made to the web site between the first and the second points in time.” In connection with this feature, the Examiner relies on the disclosure at col. 12, lines 6-48 of Nielsen. This section of Nielsen describes a process in which a maintainer of a web page can modify the page, and indicate whether those who have subscribed to that page should be notified of the change. There is absolutely no disclosure in the cited section of Nielsen of comparing a first data structure to a second data structure to identify modifications that were made to a web site between first and second points in time

Independent Claim 36

With respect to independent Claim 36, neither Nielsen nor Rappaport discloses or suggests “comparing the web site at a first point in time to the web site at a second point in time to identify modifications made to the web site between the first and second points in time.” The

notification service in Nielsen becomes aware of web page modifications as the result of actions performed by a maintainer of a web page, and not by comparing a web site at a first point in time to the web site at a second point in time.

Independent Claim 45

With respect to independent Claim 45, neither Nielsen nor Rappaport discloses or suggests either “a scanning module which scans a web site to generate a representation of the web site, the representation specifying at least an arrangement of nodes and links of the web site,” or “a comparison module which compares representations of the web site generated by the scanning module at different times to identify modifications made to the web site.”

Dependent Claims

Dependent Claim 29 recites that generating the graphical map comprises “displaying at least one of the following types of objects in a distinct color: new nodes, new links, modified nodes, deleted nodes, and deleted links.” Contrary to the Examiner’s assertion, Rappaport does not appear to disclose this feature. In fact, the Rappaport patent does not even include the word “color.”

Dependent Claim 30 recites that generating the graphical map comprises “presenting a user an option to specify types of modifications to be displayed within the map.” Contrary to the Examiner’s assertion, Rappaport does not disclose this feature. If the Examiner maintains the rejection, Applicants respectfully request that the Examiner point out with particularity where in Rappaport the additional limitations of Claim 30 are found.

Dependent Claim 31 recites that “the graphical map includes icons that represent modified web pages, and the method further comprises responding to user selection of an icon that represents a modified web page by displaying the modified web page.” Contrary to the Examiner’s assertion, Rappaport does not disclose this feature. If the Examiner maintains the rejection, Applicants respectfully request that the Examiner point out with particularity where in Rappaport the additional limitations of Claim 31 are found.

The foregoing are merely examples of dependent claim limitations that are not disclosed or suggested by the applied references; other distinctions are recited throughout the dependent claims.

Because the cited references do not disclose or suggest all of the claim limitations, the rejection over Nielsen and Rappaport is improper.

**B. The Examiner has not identified a valid suggestion for combining the cited references.**

Applicants further respectfully submit that the Examiner has failed to identify a sufficient suggestion or motivation to combine Nielsen and Rappaport, and has therefore failed to establish a prima facie case of obviousness.

When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." See, e.g., In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). The teaching or suggestion must be found in the prior art, not in applicant's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form, must nevertheless be "clear and particular." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence' of motivation to combine. Id.

In the present case, the Examiner states that it would have been obvious to combine the teachings of Nielsen and Rappaport "to have the step of generating a graphical map in which at least some of the modifications are represented because it would help the management system to display, check and maintain the functional relationships between elements of the web site." However, neither Nielsen nor Rappaport discloses or suggests "a management system to display, check and maintain the functional relationships between the elements of the web site." Thus, the Examiner's stated basis for combining the references appears to come from Applicants' disclosure, and not from the cited references. The Examiner therefore has not established a prima facie case of obviousness.

**C. The references do not provide a suggestion or motivation to combine**

Applicants further submit that no suggestion or motivation to combine exists within either Nielsen or Rappaport. In this regard, neither reference addresses the problem of allowing a web site manager to efficiently identify the changes that have been made to a web site over a

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period of time. Nielsen is directed to the problem of notifying end users when a web page has changed. Rappaport is directed to knowledge based systems, and does not appear to suggest functionality for tracking or viewing changes made to a web site over time.

In addition, neither reference discloses the desirability of generating a graphical map, as claimed, that highlights or represents modifications made to a web site between two points in time. Without some teaching of the desirability of the claimed invention, Nielsen and Rappaport cannot properly be combined. See MPEP § 2143.01 ("The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."), citing *In re Mills*, 916 F.2d 680; 16 USPQ2d 1430 (Fed. Cir. 1990), emphasis original.

Because the Examiner has failed to identify a valid suggestion to combine Nielsen and Rappaport, and because no such suggestion exists in the references themselves, the obviousness rejection is improper – regardless of whether all of the claim limitations are disclosed.

#### IV. Conclusion

In view of the foregoing, Applicants submit that the applied art does not disclose or suggest the invention as claimed, and request that the obviousness rejection be withdrawn.

If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at 949-721-2950.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

28. (Amended) A computer-implemented method for facilitating the management of a web site, comprising:

scanning the web site to generate a first data structure which represents the web site at a first point in time, wherein the web site comprises a collection of inter-linked hypertextual documents;

subsequently, after changes have been made to the web site, scanning the web site to generate a second data structure which represents the web site at a second point in time;

comparing the first data structure to the second data structure to identify modifications that were made to the web site between the first and the second points in time; and

generating a graphical map in which at least some of the modifications are represented.

36. (Amended) A computer-implemented method for facilitating the analysis of a web site, comprising:

comparing the web site at a first point in time to the web site at a second point in time to identify modifications made to the web site between the first and second points in time, wherein the web site comprises a collection of hypertextual documents interconnected by one or more links; and

generating a graphical map in which at least some of the modifications to the web site are highlighted.